



0828-01

CPA/1616/18  
PH 96038 CPA  
(5500\*98)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

XAVIER MARZE

ART UNIT: 1616

SERIAL NO: 09/180,477

EXAMINER: Levy, N.

FILED: FEBRUARY 5, 1999

FOR: PROTECTION AGAINST TERMITES

Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

"Express Mail" mailing label number: EE617837995US

Date of Deposit: August 27, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box CPA, Commissioner for Patents, Washington, D.C. 20231 by

*Barbara J. Miller*  
(Signature of person mailing paper or fee)

Barbara J. Miller  
(Name of Person mailing paper or fee)

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DAW:032775 Name/Number: 0011012100  
FC: 704 Sir: \$730.00 00

CONTINUED PROSECUTION APPLICATION (CPA) TRANSMITTAL

This is a request for filing a

[X] Continued Prosecution or [ ] Divisional application under 37 C.F.R. § 1.53(d), of pending prior application Serial No. 09/180,477 filed on February 5, 1999, entitled Protection Against Termites, by the following named inventor: Xavier Marze.

Prior Application:

Art Unit: 1616

Examiner: LEVY, N.

- A. [X] The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this CPA. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the CPA.

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02 FC:103 910.00 00

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- B. ☐ A true and correct copy of the prior application, including the Declaration and Power of Attorney, is enclosed.
1. ☐ Enter the amendment previously filed on under 37 C.F.R. § 1.116 but unentered, in the prior application.
2. ☐ A Preliminary Amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- a. ☐ **DELETE** the following inventor(s) named in the prior application:
- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
- a. ☐ PTO-1449
- b. ☐ Copies of IDS citations
6. ☒ The filing fee is calculated as follows:

	Number Filed	Number Permitted	Number Extra	Rate	Basic Fee \$710.00
Total Claims	71	20 =	51	x \$18.00	\$ 918
Independent Claims	1	3 =	0	x \$40.00	\$ 0
Multiple Dep. Claims				+ \$270.00	\$ 0
Total Filing Fee =					\$ 1,628

7. ☒ A check in the amount of \$1,628.00 to cover the filing fee for the CPA Application is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required, or credit any overpayment to Deposit Account No. 03-2775.

9. ☐ Small entity status:
- a. ☐ A verified statement claiming small entity status is enclosed
  - b. ☐ A verified statement claiming small entity status was filed in the prior application and such status is still proper and desired.
  - c. ☐ In no longer claimed.
10. ☒ This patent application claims the benefit of the May 7, 1997, filing date of PCT/FR97/00816 and priority to French patent application no. 96/06179 filed on May 10, 1996 (see priority claim in parent case).
11. ☒ The present application is owned by Aventis CropScience, S.A., the successor-in-interest to assignee Rhone-Poulenc Agro, a corporation of the Country of France located at 14-20, rue Pierre Baizet, B.P. 9163, F-69263, Lyon Cedex, France. An Assignment to Rhone-Poulenc Agro was recorded on February 5, 1999, at Reel/Frame 9742/0294.
12. ☒ The power of attorney in the prior application is to at least one of the following:  
Norman H. Stepno, Reg. No. 22,716, Mary Katherine Baumeister, Reg. No. 26,254 (attorneys of Burns, Doane, Swecker & Mathis, L.L.P.).
- a. ☒ The power appears in the original declaration of the parent application.
  - b. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
  - c. ☒ A Revocation and Appointment of Power of Attorney signed by the assignee for the above-identified patent application will be filed in the near future revoking all previous powers of attorney and appointing a group of attorneys from CONNOLLY BOVE LODGE & HUTZ LLP, including the undersigned attorney, as the attorneys for assignee with respect to the above-identified patent application. **BY HIS SIGNATURE ON THIS PAPER, THE UNDERSIGNED ATTORNEY HEREBY REPRESENTS THAT HE IS AUTHORIZED TO REPRESENT THE ASSIGNEE RHONE-POULENC AGRO BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE IN U.S. PATENT APPLICATION SERIAL NO. 09/077,988 AND HAS BEEN REQUESTED BY THE AFOREMENTIONED ASSIGNEE TO FILE THE INSTANT CPA OF SERIAL NO. 09/077,988.**
13. Correspondence Address:

☐ Please carry over the prior application's correspondence address to this divisional application

or

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or

☒ Please address all correspondence to address below

William E. McShane  
CONNOLLY BOVE LODGE & HUTZ LLP  
1220 Market Street  
P.O. Box 2207  
Wilmington, Delaware 19899, U.S.A.  
Telephone: (302) 658-9141  
Fax: (302) 658-5614

14. ☐ Recognize as associate agent:

15. ☒ Also enclosed is:

☒ **PETITION FOR EXTENSION:** A Petition for a three (3) month extension of time to file a response in parent application Serial No. 09/180,477 is enclosed, as is a check for \$890.00.

If any additional fees are due in connection with this Continued Prosecution Application, the Commissioner is authorized to charge any necessary fees to our Deposit Account No. 03-2775. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,  
CONNOLLY BOVE LODGE & HUTZ LLP

By:



William E. McShane  
Reg. No. 32,707

Dated: August 27, 2001

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